

Date: May 6, 2010

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: DENNIS ROWE ET AL.

Application No.: 10/739,451

For: CHEWABLE SOFT CAPSULES CONTAINING UNGELATINIZED STARCH

Filed: December 17, 2003

Group Art Unit: 1618

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated November 6, 2009 of the Primary Examiner finally rejecting claims 2-14 and 16-18.

The item(s) checked below are appropriate.

1. ☒ A Petition for a three month extension of time to respond to the final rejection, together with the \$ 1110.00 extension fee under 37 C.F.R. §1.17, was filed herewith.
2. ☐ A Petition for an additional month extension of time to take further action, together with the \$ extension fee under 37 C.F.R. §1.17, was filed on .
3. ☒ Fee \$540.00
☐ Fee \$270.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
 - ☐ Enclosed
 - ☐ Not required (fee paid in prior appeal)
 - ☒ Submitted electronically herewith

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Elizabeth F. Holowacz/
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Form #67

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